

### **REMARKS**

The present Amendment and Response is fully responsive to the Non-Final Office Action mailed January 24, 2008. After entry of the foregoing Amendment, Claims 126-161 remain pending. By this Amendment, independent Claims 126 and 144 and dependent Claims 130 and 148 have been amended. Claims 1-125 were previously cancelled without prejudice or disclaimer. Applicants respectfully submit that no new matter has been added by the foregoing amendments. In view of the amendments and remarks, Applicants respectfully assert that the rejections are now made moot and that the pending claims are in condition for allowance.

### **Information Disclosure Statement**

The Office Action contends that the Information Disclosure Statement (IDS) filed on August 22, 2003 fails to comply with 37 C.F.R. § 1.98(a)(2) because a legible copy of each listed non-patent literature publication was not included. Accordingly, the Office Action indicated that the IDS was placed in the file but not considered.

In response, the Applicants respectfully submit that each of the non-patent literature publications listed in the IDS filed on August 22, 2003 was also cited in U.S. Patent App. No. 09/301,068 (now U.S. Patent No. 6,856,974), to which the present application claims priority. Each of these citations is published on the face of U.S. Patent No. 6,856,974. Additionally, the IDS submitted on August 22, 2003 references the priority to U.S. Patent App. No. 09/301,068.

Pursuant to 37 C.F.R. § 1.98(d) no copy of any patent, publication, pending U.S. application or other information is required to be provided in an IDS if the information was previously submitted for an earlier application that was properly identified in the IDS and that is relied on for an earlier effective filing date under 35 U.S.C. § 120. The Applicants respectfully assert that the requirements of 37 C.F.R. § 1.98(d) were satisfied by the IDS filed on August 22, 2003 and, therefore, respectfully submit that there is no requirement to submit legible copies of the non-patent literature publication because those references were cited in earlier-filed U.S. Patent App. No. 09/301,068.

For at least these reasons, the Applicants respectfully contend that the IDS filed on August 22, 2003 complies with the requirements of 37 C.F.R. § 1.98, and the Applicants

respectfully request the Examiner to consider the IDS. Additionally, if the Examiner is unable to locate copies of the non-patent literature publications, then the Applicants will be happy to provide copies of the non-patent literature publications to the Examiner upon request.

**Claim Rejections Under 35 USC §§ 102 and 103**

In the Office Action, Claims 126-135, 143-153, and 161 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,699,528 to Hogan (hereinafter "*Hogan*"). Additionally, Claims 136-142 and 154-160 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hogan* in view of Official Notice taken by the Examiner.

In response, independent Claims 126 and 144 have been amended to clarify the claimed invention of independent Claims 126 and 144. Specifically, independent Claim 126 has been amended to recite "responsive to receiving the request for bill data, accessing a second network entity associated with a biller for at least a portion of the bill data" (Underlining supplied). Independent Claim 144 has been amended in a similar manner. Support for these amendments can be found throughout the Specification of the present application. For example, Figures 4 and 13 and their associated text clearly provide support for these amendments.

The Applicants respectfully assert that *Hogan* fails to disclose, teach, or suggest each and every element of amended independent Claims 126 and 144. Specifically, *Hogan* fails to teach or suggest receiving a request for bill data from a first network entity and accessing a second network entity associated with a biller for at least a portion of the bill data in response to receiving the request for bill data.

The Office Action cites *Hogan* at col. 4, line 53 – col. 5, line 2 for the proposition that *Hogan* teaches the element of "responsive to receiving the request for bill data, accessing a second network entity for at least a portion of the bill data." However, the cited portion of *Hogan* merely discusses a bill capture device 150 that is included as a component of the electronic bill service company of *Hogan*. The bill capture device 150 is not associated with a biller but is instead associated with the electronic bill service company. In fact, *Hogan* states that the bill capture device 150 could be made part of server computer 160 (See *Hogan* at col. 4, lines 58-59).

Accordingly, there is no teaching or suggestion in *Hogan* of accessing a second network entity associated with a biller for at least a portion of the bill data.

Additionally, there is no teaching or suggestion in *Hogan* of accessing the second network entity in response to the received request for bill data. In marked contrast, *Hogan* relates to a system in which bills are received at the bill capture device 150 from billers prior to receiving a request for billing data (See *Hogan* at col. 4, line 53 – col. 5, line 2). The bill capture device 150 of *Hogan* receives bills from multiple billers and processes the bills to extract the billing data (See *Hogan* at col. 4, lines 53-67). The billing data is then transmitted to the service computer 160 and subscribers are able to access and browse their bills (See *Hogan* at col. 5, lines 1-3). Accordingly, *Hogan* does not teach or suggest accessing a network entity associated with a billing entity in response to receiving a request for bill data, as recited by the amended independent claims.

In fact, the system of *Hogan* appears to be a system in which bills are proactively “pushed” from a biller to an electronic bill service company (EBSC) rather than a system in which billing information may be accessed or “pulled” in response to a received request. In *Hogan*, when a user registers for bill payment services, a service starting date must be at least a predetermined period from the present to allow the EBSC to arrange with the selected payees to make the transition to sending the bill information to the bill capture device (See *Hogan* at col. 5, lines 37-40). As soon as the bill information concerning the subscriber is received, the bill capture device 150 processes the information and transmits billing data to the server computer for access by the subscriber (See *Hogan* at col. 5, lines 53-57). Thus, when the subscriber requests bill data, the requested data will be located at the server computer 160 for access by the subscriber. There is no need to access a second network device associated with a biller for the requested bill data in response to the received request and indeed, there is no teaching or suggestion of doing so. Accordingly, *Hogan* does not teach or suggest accessing a second network entity associated with a biller for at least a portion of the bill data in response to receiving a request for the bill data, as recited by the amended independent claims.

For at least these reasons, the Applicants respectfully submit that amended independent Claims 126 and 144 are patentable over the cited art of record and in condition for allowance.

Additionally, the Applicants respectfully assert that dependent Claims 127-143 and 145-161, which depend from amended independent Claims 126 and 144 respectively, are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

**CONCLUSION**

The Applicants believe they have responded to each matter raised by the Non-final Office Action. Allowance of the claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8037. It is not believed that any fees for extensions of time or addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



---

Rhett S. White  
Reg. No. 59,158

Date: **April 23, 2008**

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street NE  
Atlanta, GA 30309-3996  
404.853.8037  
404.853.8806 (fax)  
SAB Docket No.: 23952-0018